

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA**

WILLIE MCNAIR,

Plaintiff,

v.

RICHARD ALLEN, et al. ,

Defendants.

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Civil Action No. 2:06-cv-695-WKW

**MOTION TO RESCHEDULE
STATUS CONFERENCE DATE**

Undersigned counsel for Plaintiff Willie McNair respectfully requests the Court to reschedule the date of the status conference which is currently scheduled for November 16, 2006. In support of this motion, counsel states:

1. Plaintiff Willie McNair has filed a § 1983 action challenging the constitutionality of the State of Alabama's current lethal injection procedures. After the defendants filed an Answer and a Counterclaim, and after Mr. McNair answered the Counterclaim, the Court issued an Order on October 25, 2006, in which it directed the defendants to file a motion by November 1, 2006, and Mr. McNair to file a reply by November 8, 2006. It also scheduled a status conference on November 16, 2006.

2. Undersigned counsel is also counsel for James Callahan, another prisoner on death row who has filed a § 1983 action and who is the subject of the joinder and consolidation issue to be discussed at the status conference.

3. Counsel is filing this motion because he has a previously scheduled conflict out of state on November 16, 2006.

4. As a result of this prior commitment, counsel respectfully requests that the date of the status conference be rescheduled.

5. Counsel has contacted J. Clayton Crenshaw, counsel for the defendants, and he does not oppose this request.¹

For these reasons, undersigned counsel respectfully requests the Court to reschedule the date of the status conference which is currently scheduled for November 16, 2006.

Respectfully submitted,

s/Randall S. Susskind
Randall Susskind (SUS002)

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Montgomery, AL 36104
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Counsel for Willie McNair

¹Undersigned counsel does not have any conflicts the week following Thanksgiving, and opposing counsel did not oppose a request to reschedule the status conference to that week.

CERTIFICATE OF SERVICE

I certify that on October 26, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: J. Clayton Crenshaw and James W. Davis.

s/ Randall S. Susskind
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